

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY JOSEPH DANIEL,

Plaintiff,

Case No. 1:13-cv-169

v.

Honorable Robert Holmes Bell

DEBORAH GUNN et al.,

Defendants.

ORDER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. The matter before the Court is Plaintiff's motion for leave to proceed *in forma pauperis* (docket #2) signed by Marc Daniel, who purports to have a power of attorney to act on Plaintiff's behalf. Marc Daniel cannot represent Plaintiff. In federal court, a party can represent himself or be represented by an attorney, but cannot be represented by a non-lawyer. 28 U.S.C. § 1654; *see Sykes v. United States*, No. 11-4005, 2012 WL 5974285, at * 3 (6th Cir. Nov. 29, 2012) (citing *Shepard v. Wellman*, 313 F.3d 963, 970 (6th Cir. 2002)). A power of attorney is "simply ineffective" to permit Marc Daniel to represent Plaintiff. *See Huff v. First Energy Corp.*, 5:12cv2583, 2013 WL 639328, at * 4 (N.D. Ohio Feb. 20, 2013) (collecting cases). The affidavit of indigency was also signed by Marc Daniel and is insufficient for the same reason.

Furthermore, as a prisoner, plaintiff was required to submit a certified copy of his prison trust account for the immediately preceding six-month period. 28 U.S.C. § 1915(a)(2). He has failed to do so.

Plaintiff's submissions in support of his application to proceed *in forma pauperis* are completely inadequate. Plaintiff must submit an application and affidavit, signed personally by him, accompanied by a certified prison account statement, within 28 days. Failure to do so may result in the denial of pauper status.

IT IS SO ORDERED.

Dated: February 27, 2013

/s/ Joseph G. Scoville
United States Magistrate Judge